

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.* State Engineer,
Plaintiff,

69cv07896-BB
RIO TAOS ADJUDICATION

- v -

EDUARDO ABEYTA, *et al.* &
CELSO ARELLANO, *et al.*,
Defendants.

69cv07939-BB
RIO HONDO ADJUDICATION
Consolidated

Section: Rio Pueblo de Taos
Ditch: Thomas Tarleton Ditch

ORDER APPLYING PRIORITY DATE FOR THOMAS
TARLETON DITCH TO INDIVIDUAL SUBFILES

In the May 13, 2002 Memorandum Opinion and Order (Docket No. 3026), the Court clarified procedures for determining subfile priority dates and stated that acequia-wide priority dates are to be applied to the water rights they serve. Each claimant has had an opportunity to prove an earlier priority date during the subfile phase and objectors will have the opportunity to prove later priority dates during the *inter se* phase. (No. 3026) On February 21, 2003, the Court entered a Memorandum Opinion and Order (No. 3102) that adopted a priority date of March 18, 1907 for the Thomas Tarleton Ditch.

This Order applies the priority date adopted for the Thomas Tarleton Ditch to each subfile irrigation water right it serves. The acequia-wide priority date does not apply to supplemental irrigation wells or springs, nor does it apply to individual subfile water rights previously denied by the Court. All water right claims denied have a priority date of "None." Subfile priority dates are listed in Exhibit A attached to this Order.

It is therefore ordered that the March 18, 1907 priority date adopted for Thomas Tarleton Ditch is applied to individual subfile water rights as set forth in Exhibit A.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

EXHIBIT A
THOMAS TARLETON DITCH¹

Individual Subfile Priority Dates	
Subfile Number	Priority Date
5.3	March 18, 1907
6.3	March 18, 1907

¹ The Memorandum Opinion and Order entered February 21, 2003 (Docket No. 3102) established a priority date of “None” for Subfiles 5.3 and 6.3. The Consent Order Establishing Priority Date entered June 8, 2004 (No. 4498) superseded the Memorandum Opinion and Order and established the priority date of March 18, 1907 for Subfiles 5.3 and 6.3.